

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIELLE (STILLWELL) NEWLON *and*)
TYLER NEWLON, *her husband*,)
Plaintiffs,) Civil Action No. 13-1213
vs.)
WILLIAM S. DAVIS, JR. *and THE*)
BOROUGH OF WHITAKER,)
Defendants.) Judge Mark R. Hornak/
) Magistrate Judge Maureen P. Kelly
) Re: ECF Nos. 10 and 13

O R D E R

AND NOW, this 27th day of May, 2014, after Plaintiffs, Danielle (Stillwell) Newlon and her husband, Tyler Newlon, filed an action in the above-captioned case, and after Defendants, the Borough of Whitaker and William S. Davis, Jr., both filed a Partial Motion to Dismiss, Motion to Strike, and Motion for More Definite Statement Under Federal Rule of Civil Procedure 12(B)(6), 12(E), And 12(F), [ECF Nos. 10, 13], and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until May 22, 2014, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Borough's Partial Motion to Dismiss, Motion to Strike, and Motion for More Definite Statement Under Federal Rules of Civil Procedure 12 (B)(6), 12 (E), and 12(F), [ECF No. 10], and Davis' Partial Motion to Dismiss, Motion to Strike and Motion for More Definite Statement Pursuant to Fed. R. Civ. P. (12(b)(6), 12(e) and 12(f), [ECF No. 13], are granted with respect to the constitutional claims brought by Plaintiff Tyler Newlon at Count I, the claims for negligence brought by Plaintiff Danielle (Stillwell) Newlon at Count V, and the loss of consortium claim brought by Plaintiff Tyler Newlon at Count VI. IT IS

FURTHER ORDERED that the Motions are denied insofar as Defendants seek a more definite statement at Count I and to strike paragraphs 37, 39-43 and 45-46 of the Complaint.¹



MARK R. HORNAK
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

All Counsel of Record Via CM-ECF

¹ Thus, the claims remaining are the constitutional claims brought by Plaintiff Danielle (Stillwell) Newlon against Defendants Davis and the Borough at Count I of the Complaint, and against Davis for malicious prosecution, assault and battery, and intentional infliction of emotional distress brought at Counts II, III and IV, respectively.